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*With The compliments of
Walter Clark.*

ADDRESS

BY

HON. WALTER CLARK,

ASSOCIATE JUSTICE OF THE SUPREME COURT,

ON

THE LIFE AND SERVICES

OF

GEN. WILLIAM R. DAVIE,

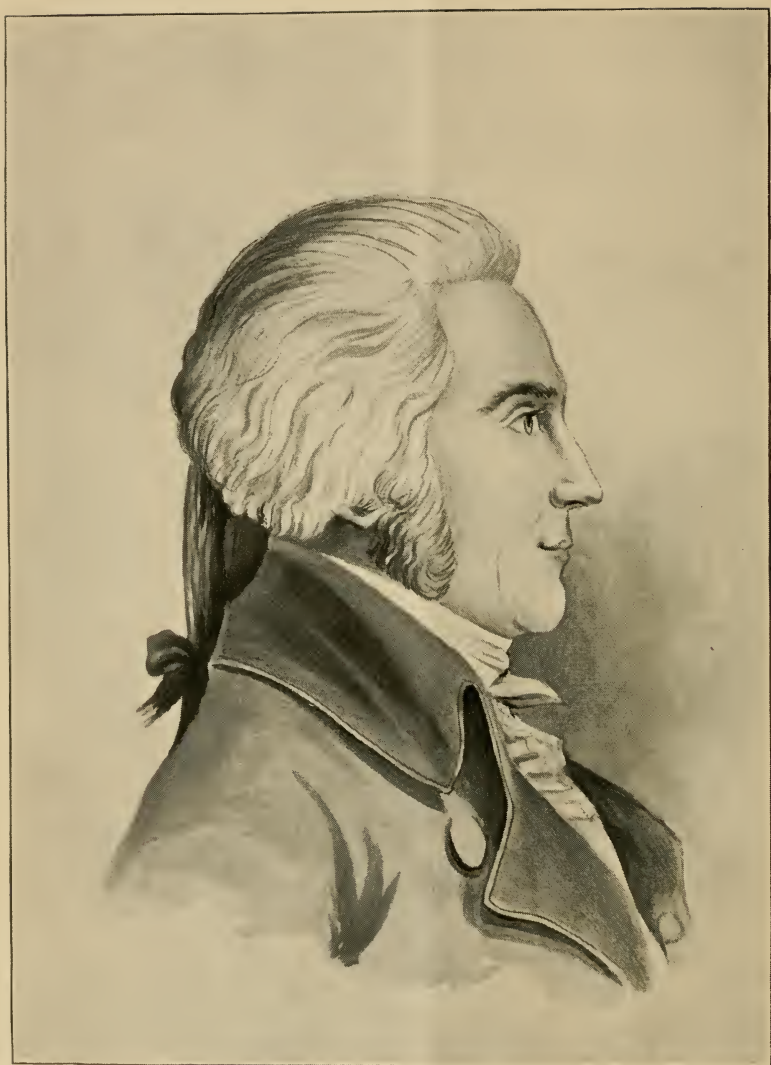
AT THE GUILFORD BATTLE-GROUND,

JULY 4th, 1892.

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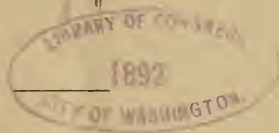


W. R. Davis

AN ADDRESS
UPON
THE LIFE AND SERVICES
OF
GEN. WILLIAM R. DAVIE.

“A Great Man in an Age of Great Men.”

✓
BY WALTER CLARK.



DELIVERED AT THE CELEBRATION ON THE BATTLE-FIELD OF
GUILFORD COURT HOUSE.

4th JULY, 1892.

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MY FELLOW COUNTRYMEN:

From the burning bush on Horeb's Mount came the voice, "Put off thy shoes from off thy feet for the place whereon thou standest is holy ground." That place was for the moment sacred from the visible manifestation of the presence of God. But if there is on this earthly sphere a spot which is for all ages consecrated ground it surely must be that on which man has died for man. Thither reverential generations should flock in never ceasing procession in gratitude for the sublime denial of self which has secured them the blessings of liberty and of a government of the people by and for the people. Among those hallowed spots this claims a high pre-eminence. From the field of battle here the shattered, bleeding British army reeled away. Claiming a nominal triumph, but receiving a deadly wound, it receded from the Pyrrhic victory here to furl forever its baffled banners around their shattered staffs at Yorktown. The defeat of the Continentals at Bunker Hill was a lost battle, pure and simple without compensations. But upon the summit of that hill there has for long years stood one of the noblest monuments of this country. The corner stone thereof was laid amid imposing ceremonies. The venerable La Fayette and Governors and Generals and thronging multitudes and martial music and hoarse throated cannon were there, and the greatest orator of the age said in well remembered phrase: "Let it rise; let it rise till it meet the sun in his coming; let the earliest rays of morning gild it, and parting day linger and play upon its summit." It is to the honor, not the opprobrium of New England

that the grand shaft stands there in eternal honor of the men who on that memorable day of June, 1775, "vainly brave, died for a cause they could not save." But it is not well that for more than a century this spot, far more deserving of remembrance and honor, was left in primeval wilderness, in total neglect and entire oblivion.

The oft quoted remark of Dr. Johnson that "that man is little to be envied whose patriotism does not receive an added force on the plains of Marathon and whose piety does not grow warmer amid the ruins of Iona," is more than a mere sentiment. It is founded upon a knowledge of the deepest emotions of the the human heart—emotions which do it highest honor. It is well that we are here. It is well that by our presence we testify our respect for the dead who died here, and for the eternal principles and for the great cause of human freedom for which they died. Your presence too is an unmistakable testimonial of gratitude and honor to the distinguished citizen whose patriotism and public spirit set on foot the movement which has redeemed the neglect with which our State had treated this spot. His clear intellect and brilliant pen have done justice at last to the North Carolinians of Eaton's and Butler's Brigades—those untried troops who faced on this slope the trained veterans of England. Their deadly fire, our enemies themselves being witnesses, filled that field with British dead. They retired in obedience to orders, but that retreat had for these many years been misrepresented, and their memory permitted to remain under a cloud. Judge Schenck undertook the refutation of the slander, gray with the mist of so many years. He has vindicated the fair fame of these North Carolinians. With patriotic devotion he has redeemed this field from oblivion and its defenders from obloquy. Governors, and Senators, and Judges will be forgotten, but the work which he has done for the people

of this State in vindicating the memory of their calumniated dead will be remembered to his honor "far, far on in Summers which we shall not see." In rescuing their fame he has more surely perpetuated his own.

A free people can not safely forget those who have led it up to the light—those who, when disaster threatened, knew how to draw a new resource from despair. As the glories of Miltiades would not allow the young Themistocles to sleep, so the virtues, the courage, the unshaken devotion of those who led the barefooted, bleeding columns of liberty should be perpetual examples to the present and all future generations. In the language of inspiration "Our dead shall not go down to us dead." Plutarch records the name of a mother thus: "Of Thrace my race, Abrotonon my name, my *son* enrolls me in the lists of fame—the great Themistocles." So it is by the fame of *her* sons that a State is emblazoned on the rolls of fame. She should keep bright the memory of their fame that her own may shine and that by emulation successive sons in the hour of danger and stress shall ever be prompt to stand forth ready for any duty, equal to any sacrifice, in rivalry and in memory of the heroes who have stepped forth like bridegrooms at the call of patriotism and honor. North Carolina has many dead whose fame, had they lived in New England or Virginia, would have been blazoned high up on the Bead Roll of fame. But our State has loomed up always grander in war than in Peace. With her the blood of her sons has been cheaper than ink. She has known how to make history, but not how to write it—eager to win victories, careless to record them.

A distinguished citizen on this spot a year ago, in graceful speech, narrated the grand but simple story, which after long and patient investigation, he had been able to win from the rapidly closing silence, of the life and

services of "one of the Heroes of 1776"—Gen. Jethro Sumner. Mine is the humbler task to call to your attention to something of the life story of one who having lived to a later day, is somewhat better known. But though he was so prominent in civil as well as military life, the materials left are so meager that I fear I can only give you a dry summary of the more prominent events of a career which was so full of deeds, so varied, so eventful that a volume could scarce do it justice. A dashing cavalry officer, a patriot spending his entire fortune as well as his blood for his country; a lawyer of the largest attainments and an orator of superb eloquence, a member of the National Constitutional Convention of 1787 and of the North Carolina Convention of 1788; the founder of your State University, Grand Master of Masons, Governor of the State, Minister to France—we rarely hear of him now but when the young century stood at the threshold fame had in these parts no greater favorite than the brave, handsome, eloquent soldier and statesman, General Wm. R. Davie, of the county of Halifax. Him I now present to you. He lives, and should always live, in what he did for the cause of liberty and for the glory and welfare of North Carolina.

William Richardson Davie was born at Egremont, near Whitehaven, Cumberland County in the north of England, on June 24th, 1756. He was brought over to this country by his father, Archibald Davie, who, upon the peace of 1763, made a visit to America, and was left in the care of his maternal uncle, Rev. William Richardson, a Presbyterian clergyman residing in the Waxhaw settlement on the Catawba river in South Carolina. Having no children Mr. Richardson adopted his nephew and namesake, who became heir to his estate. At the usual age young Davie was sent to the "Queen's Museum"—the well known Academy and High School in Charlotte. From

thence he entered at Nassau Hall, Princeton College, New Jersey of which the famous Dr. Witherspoon was then President. In the summer of 1776 with the consent of the President, a party of students, among whom Davie was one, was raised and served as volunteers in the patriot army. In the fall of that year he returned to College and passing his examinations took his College degree of Bachelor of Arts with the first honors of the institution. His uncle died before his return home. Davie selected the profession of law and began his studies at Salisbury. In 1777 he joined a detachment of 1,200 men under General Jones, ordered to be raised for the defence of Charleston, then threatened with another attack; but on reaching Camden it was found that the design was abandoned by the enemy and the detachment returned home after three months service. In 1779 a troop of Cavalry was raised in the Salisbury district. Of this William Barnett, of Mecklenburg, was chosen Captain and Davie, Lieutenant. His commission, signed by Gov. Caswell, is dated 5 April, 1779. With 200 horse he was immediately sent into the back country to suppress a tory rising, but it was quelled before their arrival. Soon after the troop joined the Southern Army and was attached to Pulaski's Legion.

Captain Barnett having resigned Davie was promoted to Captain, and shortly thereafter was made Major. On June 20th of that year, Davie took part in the battle of Stono near Charleston. In this battle the North Carolina Brigade was commanded by Gen. Jethro Sumner. In a cavalry charge on that day Davie was wounded and fell from his horse, but retained hold of the bridle. The cavalry, dispirited by his fall, were in full retreat when a private in another company whose horse had been shot under him and was carrying off his saddle, saw Major Davie standing by his horse unable to mount him, his

thigh being disabled by his wound. Though the enemy were in a few yards, this man deliberately placed him on his horse and led him from the field. His deliverer then disappeared and resumed his place in the ranks, and Davie could find no trace of him. The wound was a severe one, and kept Davie long in the hospital at Charleston, rendering him incapable of further service that year. At the siege of 'Ninety-Six, two years later, where Davie was present as Commissary-General of the Southern Army, on the morning of the attack, a stranger came to his tent and introduced himself as the man who had saved his life at Stono. He promised to visit him again, but when the troops were recalled from the fruitless attempt to storm the fort the body of the gallant unknown was found among the dead. On his return from the Charleston hospital in September 1779, Davie being unfit for service, applied for and received his county court license and was sent by the Governor to attend the courts on the Holston river, then in North Carolina, that he might ascertain public sentiment in that section. In the spring of 1780 he received his Superior Court license. About the same time he obtained authority from the Legislature of North Carolina to raise a troop of cavalry and two companies of mounted Infantry. The authority was all that the State could give, its funds being too low to provide the means. Major Davie, with a patriotism worthy of perpetual remembrance, disposed of the estate inherited from his uncle and thus raised the funds to equip his command.

The surrender of Charleston, 12th May, 1780, and the surprise and butchery of Buford's men by Colonel Tarleton on the 29th of the same month, completed the subjugation of South Carolina. Colonel Moore, with 1100 Tories, having collected at Ramsour's Mills in the edge of the present town of Lincolnton, Col. Francis Locke

with 300 militia of Burke, Lincoln and Rowan, crossed the Catayba at Beattie's Ford, while General Rutherford acting in concert with him with 700 troops, among whom was Davie and his command, crossed at Tuckaseege ford. The two divisions were to meet in the night near the enemy and attack at break of day. Rutherford's march being circuitous, was delayed, but Colonel Locke, notwithstanding the disparity of force, attacked alone and won a complete victory. Rutherford arrived about an hour after the action, and dispatched Major Davie in pursuit of the fugitives. Shortly after Major Davie was ordered to take post near the South Carolina line, opposite Hanging Rock, to prevent the enemy from foraging and to check the depredations of the tories who infested that section. He was reinforced by some South Carolinians under Major Crawford, by 35 Catawba Indians under their Chief, New River, and by part of the Mecklenburg militia. With part of his dragoons and some volunteers he left camp 20th July, 1780, to intercept a convoy of provisions and clothing destined for the enemy at Hanging Rock, eighteen miles distant. Marching all night, he turned the enemy's flank and fell into the Camden road five miles below Hanging Rock. Here he awaited the convoy which appeared in the afternoon, and it was surprised and completely captured with all the stores.

About the last of July, Colonel Sumter with the South Carolina refugees, and Colonel Irwin with the North Carolina troops advanced to the attack of Rocky Mount while Major Davie was to make a diversion to engage the attention of the enemy at Hanging Rock. His detachment consisted of 80 mounted men. In sight of the enemy's camp he fell upon three companies of their mounted infantry returning from an excursion. Taken by surprise they were literally cut to pieces almost before

they were aware of his presence. Sixty valuable horses with their furniture and 100 rifles and muskets were carried off by Davie in safety, without the loss of a man. On August 5th, an attack was ordered upon Hanging Rock by Colonel Sumter, who commanded in person the 800 troops engaged in the expedition. Of these 500 were North Carolians commanded by Colonel Irwin and Major Davie. The troops halted at midnight within two miles of the enemy's camp, which they attacked next morning at daylight. The British regulars were commanded by Major Carden while among the auxiliaries were several tory regiments. One was composed of tories from the upper Yadkin, commanded by Colonel Bryan (whom Davie afterwards defended when tried for treason at Salisbury) and another mostly of South Carolinians, but led by Colonel John Hamilton of Halifax, who for many years after the war was British Consul at Norfolk. The attack at first was completely successful, but from lack of discipline many of the troops plundered the camps and became intoxicated. A part of the British troops remaining intact formed a hollow square and necessitated a retreat, which, however, was made in good order, Davie's corps covering the rear. The wounded were safely convoyed by him to Charlotte, where by his foresight a hospital had been established. It is worthy of note that on this ride to the attack at Hanging Rock by Davie's side rode as guides conversant with the roads and of undoubted courage and patriotism, two country lads—brothers, respectively aged 15 and 13 years. The younger of the two was destined to see many another field of carnage and his name has filled long and well the sounding trumpet of fame—Andrew Jackson. Long years after, in the retirement of the Hermitage he said that Davie was the best soldier he had ever known and that his best lessons in the art of war had been learned from him.

On Davie's return from Charlotte he hastened to the general rendezvous of Gates' Army at Rugely's Mills. On August 16th, while hastening to join General Gates at Camden and ten miles from the battle field Major Davie met the defeated army with the General leading the retreat. He ordered Davie to fall back on Charlotte who replied that his men had formed the acquaintance of Tarleton's Legion and did not fear to meet them again. He continued his course towards the battle-ground, meeting the flying fragments of the routed army. He secured several wagons loaded with clothing and medicine which had been abandoned. With great thoughtfulness he immediately sent an officer to notify Colonel Sumter of the great disaster which had befallen our arms. He reached Sumter that evening, who at once began his retreat along the west bank of the Catawba, towards the up country. Not taking sufficient precaution, however, Sumter was surprised on the 18th by Tarleton at Fishing Creek, and his entire command of 800 men was captured or put to flight with the total loss of all his artillery, arms and baggage. Col. Sumter himself, who was asleep under a wagon when the attack was made, barely escaped and the next day reached Davie's camp at Charlotte alone, riding on horseback, without saddle or bridle. The tidings carried consternation into the fragments of Gates' army which had rallied there, and in a few moments Davie and his command were the only force left in front of the enemy. Instead of retiring he boldly advanced to the Waxhaws and found that the enemy had fallen back to Camden.

On the 5th of September, 1780, Davie was appointed by Governor Nash, Colonel Commandant of Cavalry in the Western District of North Carolina with instructions to raise a regiment. When he had collected only about seventy men, with that force and two small companies of

riflemen commanded by Major Geo. Davidson he took post at Providence, twenty-five miles from the British camp. Cornwallis, after resting at Camden till the first week in September, had advanced to the Waxhaws forty miles below Charlotte, while the fragments of the American army were slowly gathering at Hillsboro, 200 miles distant. South Carolina was wholly subjugated and North Carolina had not recovered from the shock of Gates' defeat. Under these circumstances Colonel Davie, with unprecedented boldness, with a command not exceeding 150 men all told, on the 20th of September turning the right flank of the British Army by a circuitous march fell upon 300 or 400 of the enemy at Wahab's plantation. The attack was made at daylight. The surprise was complete.

The enemy left fifteen or twenty dead on the field and had some forty wounded. Davie got off safely with the captured horses and had only one man wounded. The enemy at once caused the farm buildings which belonged to Captain Wahab, then a volunteer with Davie, to be laid in ashes. Davie brought off ninety-six horses and their furniture and 120 stand of arms and arrived in camp the same afternoon, having marched sixty miles in less than twenty-four hours, including the time employed in seeking and beating the enemy. That evening Gen's Sumner and Davidson arrived at his camp with their force of 1000 badly equipped militia.

On the 24th of September the American patrols gave notice that the force of the enemy was in motion on the Steele Creek road, leading to Charlotte. Gen's Sumner and Davidson retreated by Phifers on the nearest road to Salisbury. Colonel Davie, with 150 mounted men and some volunteers under Maj. Joseph Graham, was left alone in front of the British army, and he was ordered to observe the enemy and skirmish with his advance. On

the evening and night of the 25th he took a number of prisoners and at midnight took up his position at Charlotte, seven miles from the spot where Earl Cornwallis had encamped. Early on the 26th his patrols were driven in by the enemy's light troops and in a few moments the legion and light infantry were seen advancing, followed by the whole army. Davie was reinforced in the night by a few volunteers under Maj. Joseph Graham. Charlotte was then a village of about twenty houses, built on two streets, which crossed each others at right angles. At their intersection stood the court house. Colonel Davie dismounted one company and stationed it under the court house where they were protected by a stone wall. The other two companies were advanced about eighty yards and posted behind some houses and gardens. The legion formed at a distance of three hundred yards with a front to fill the street. On sounding the charge the enemy's cavalry advanced at full gallop, but at sixty yards from the court house the Americans opened fire and drove them back with great precipitation. A second and third charge had the same result. But being outflanked by the legion infantry Davie withdrew his companies in good order, successively covering each other and retreated on the Salisbury road. The enemy followed with great caution and respect for some distance, when they at length ventured to charge the small rear guard. In this charge Lieutenant Locke and four privates were killed and Major Graham and five privates wounded. The coolness and skill of Davie in this ever memorable combat in which, with a mere handful of men, he held the whole British Army for hours at bay and drove back repeatedly its best troops and finally brought off his command unbroken and in good order, stamp him as a soldier of no ordinary capacity. He was at this time twenty-four years of age. Gov. Graham says of him,

"he was prudent, vigilant, intrepid and skillful in his movements against the enemy and with a charming presence, a ready eloquence and an undaunted spirit he was among the young men of the day as Harry Percy 'to the chivalry of England.'" He also terms him, "one of the most accomplished and elegant gentleman of the revolutionary race." Besides his abilities as a leader he was an expert swordsman. It is said in "Gordon's Anecdotes of the Revolution" that he had slain more men in personal encounters in battle than any man in the army.

The next day, after the brilliant affair at Charlotte, Col. Davie joined the army at Salisbury where recruits having come in and Col. Taylor from Granville having joined him, his force consisted of 300 mounted infantry and a few dragoons. Gen's Sumner and Davidson continued their retreat across the Yadkin while Davie returned towards Charlotte, where he so vexed the British by cutting off the forage parties and beating up their advanced posts that Cornwallis began to feel great distress for want of forage and supplies. (Tarleton's Campaigns 184). The British officer declared he had "found a rebel in every bush outside his encampment." On October 7 occurred the disastrous defeat of Ferguson at King's Mountain, and on the night of October 14, Cornwallis began his retreat to South Carolina, followed by Davie, who harassed his rear and captured part of his baggage. On the 19th the British crossed the Catawba at Land's Ford and completely evacuated the State of North Carolina. When Gen. Greene took command of the Southern Army in December 1780 he and Col. Davie met for the first time. The Commissary Department became vacant by the resignation of Col. Thomas Polk. The subsistence of the army had become very difficult and Col. Polk declared that it had become impossible. Gen. Greene having formed a high estimate of Col. Davie's abilities,

earnestly and in most flattering terms solicited him to relinquish his hopes of brilliant service in the field and accept the vacant office. At the call of patriotism he abandoned the tempting career which lay before him and assumed the not less important but more unpleasant and arduous duties of a station which offered no distinctions. Gen. Greene had himself set the example, having relinquished a brilliant career in the field to assume for years the duties of Quarter-Master General of the Army. Col. Davie assumed the duties of his new post in January 1781, and continued with the army for the next five months. Hardly any combination of circumstances could exist presenting greater difficulties to the Commissary of an army than those under which he began. With a depreciated, almost worthless currency, and an exhausted country his only resource was to receive from the willing and extort from the reluctant such means of subsistence as they possessed, a service requiring promptness and vigor among the disaffected and skill and discretion among the friendly. These duties were well performed and while they make no display on the page of history their efficient discharge was more really useful to the cause and contributed more to the success of the army than the most brilliant services of the most brilliant officer in the field. In that capacity he was present in the memorable battle at this place. Though he had, of course, no command he was a watchful observer of all the movements of the fight and distinguished himself by his efforts to rally the broken ranks and bring them again into the field. After Judge Schenck's vivid description of this battle it would be a twice told tale to recount its incidents. It may be well to recall, however, that Eaton's Brigade was composed of men from Warren, Franklin, Nash, Halifax and Northampton Counties, while Butler's men were from the present Counties of

Wake, Durham, Orange, Alamance, Vance, Granville, Person and Caswell. No race of people has changed less by infiltration of foreign immigraton. It is in warp and woof the same it was a hundred years ago. Those who know them well, know that they are "the blue hen's own chickens" and it is not to be believed (if all other proof was wanting) that men of that stock ever left any fair field of fight in a body save in honor.

It was here that Col. Davie, seeing the veteran 1st Maryland permit the enemy to approach to close quarters, while it remained apparently inert and impassive, exclaimed with great emotion, "Great God! is it possible Col. Gunby will surrender himself and his whole Regiment to the British?" He had scarce spoken when the command having been given, their fire, like a sheet of flame, swept off the enemy's first line. This was followed up by a bayonet charge from Gunby. The hostile lines became so intermingled and the moment so critical that Cornwallis, to save himself, caused his cannon to open upon the mass of struggling men and swept off friend and foe alike. This he did against the remonstrance of Gen. O'Hara, who was lying wounded on the ground and whose men were thus being destroyed at short range by the cannon of their own army.*

Col. Davie continued with the army and was present at Hobkirk's Hill on April 25th, at the evacuation of Camden and the siege of Ninety-Six. While the army lay before Ninety-Six, Gen. Greene found it necessary to send him as a confidential messenger to the Legislature of North Carolina to represent to that body the wants of his army

*NOTE.—At Toulon in 1793, this Gen. O'Hara commanded. It was there that Napoleon Bonaparte, then Lieut. Colonel of Artillery, first displayed his military genius. He detected, and caused to be seized, the point which would necessitate the evacuation of the city by the British. Gen. O'Hara at the head of 3,000 men made an assault by night to recover it. In this O'Hara was wounded and captured and Bonaparte himself received a bayonet wound in the thigh. The assault being repulsed Toulon was evacuated and the career of Napoleon began. Sir Walter Scott says: 'On that night of conflagration, tears and blood the star of Napoleon first rose in the ascendant and though it shone over many a scene of terror ere it set it may be doubted if it ever saw one more dreadful.'

and that his almost sole reliance for assistance was from them. Col. Davie's knowledge of the members and tact were such that he procured a most generous contribution by the General Assembly of men and supplies. The exigencies of the service and the equipment of the new levies required him to remain in North Carolina, and in July, 1781, he entered on his duties as Commissary General of this State, which post he filled till the end of the war. The finances of the State were in a desperate condition, and the country was well nigh exhausted by the requisitions of both hostile and friendly armies, and besides, supplies had to be dispatched to our troops operating in South Carolina. No duties could be more arduous or more admirably performed than those which fell to Col. Davie's lot at this stage of the war. Transportation was lacking, even for the supplies which could be obtained. The future seemed uncertain as to everything. No post could more sorely have tried the patience of any man. It argues a versatility of talents for a brilliant cavalry officer to execute with patience the duties of such a station, and a rare self denial to lay aside the opportunities of distinction for the exactions of so wearying and humdrum a post. To add to other troubles, he had to deal, during the year 1781, with three different Governors of entirely different views and dispositions. Gov. Nash had resigned in disgust at the proceedings of the Legislature; Gov. Burke had been taken prisoner and Gov. Martin completed the year. So feeble at times was the support of the Government that some of the most pressing supplies were procured by Davie on his own credit. Complex and numerous as were his accounts, when he laid down his office he invited the severest Legislative scrutiny, but no objection to them could be found.

The war being over Col. Davie resumed the practice of his profession in February 1783. About the same time

he married Miss Sarah Jones, the daughter of Gen. Allen Jones, of Northampton, and niece of Willie Jones, of Halifax, and settled in the latter town as his place of future residence. It was at that time practically the capital of the State. The sessions of the General Assembly had been more frequently held at that place, and it was there that most of the executive business of the State was transacted.

He was a brilliant advocate, and possessed a natural aptitude for the practice of law. The State at that time was divided into seven Judicial Districts: Halifax, New Berne, Wilmington, Edenton, Hillsboro, Salisbury and Morganton. To these, in 1787, Fayetteville was added. The Superior Courts were held only at these places, and not as now at a Court House in each County. Colonel Davie took the circuit and attended in turn all the Superior Courts of the State, except that held at Morganton. An examination of the dockets shows that he soon commanded a leading practice in all these courts. At some places and at some terms the dockets show that he appeared without exception on one side or the other of every civil case upon the docket. After the suspension of business for so many years the dockets were large too. His practice was very lucrative and he quickly accumulated a large estate.

An examination of our published reports shows numerous cases of importance in which he was counsel. Probably the most important were *Hamilton vs. Eaton*, 1 N. C. 84, which held the State Confiscation Act repealed by the U. S. Treaty of Peace with England, and *Bayard vs. Singleton*, 1 N. C. 42, which was the first case in America which asserted the power and duty of the courts to declare an act of the Legislature unconstitutional. It also held the confiscation acts against the late tories invalid. Iredell, Johnston and Davie appeared for the suc-

cessful plaintiff, and Moore and Nash for the defendant.

With the chivalry of his nature it was most natural that when the tory, Colonel Bryan, with whom he had so often crossed swords, was arraigned and tried at Salisbury in 1782 for treason, Col. Davie was one of the counsel who conducted his defense. In this he displayed a courage of the forum no less brilliant and commendable than his conduct in the field. Indeed Davie, though the youngest, became in fact the principal counsel. Excitement ran so high that no lesser favorite than "the hero of Charlotte" could command attention. Bryan was convicted with several others, and was sentenced to be hung the 14th of April, 1782, but was pardoned and exchanged. Judge Murphy of the Superior Court of North Carolina who had the opportunity of judging and whose opinion is of high value, says, "Davie took Lord Bolingbrook for his model and applied himself with so much diligence to the study of his master that literary men could easily recognize his lofty and flowing style. He was a tall, elegant man in his person; graceful and commanding in his manners. His voice was mellow and adapted to the expression of every passion. His style was magnificent and flowing. He had a greatness of manner in public speaking which suited his style and gave his speeches an imposing effect. He was a laborious student and arranged his discourses with care and when the subject suited his genius poured forth a torrent of eloquence that astonished and delighted his audience. They looked upon him with delight, listened to his long harmonious periods, caught his emotions, and indulged that ecstasy of feeling which fine speaking and powerful eloquence can alone produce. He is certainly to be ranked among the first orators whom the American nation has produced." It is said of him, with probably small exaggeration, that during 15 years while he was at the bar there was not a cap-

ital trial in North Carolina in which he was not retained for the defense. Eminent as he was it was not for the lack of worthy competitors. James Iredell and Alfred Moore, successively Justices of the Supreme Court of the United States, Francois Xavier Martin, after Chief Justice of Louisiana, and Judge John Haywood, afterwards of Tennessee, and many others were his contemporaries. His brief books, some of which are still in existence, are models of neatness and care and show a most careful summary of the evidence and citation of authority in each case. Among his law students were Governor and U. S. Senator David Stone, Mr. Justice Daniel, of our Supreme Court and many others who became distinguished men. Judge Daniel said of him that he was the best lawyer and most accomplished man he had ever known. It is stated of him in comparison with his great legal rival, John Haywood, that while the latter carefully prepared every point, Davie would seize the strong points of the case and throw his whole strength upon them. In this he seems to have retained the experience and instincts of his soldier life. As a characteristic of his elegant tastes and attention to details it is said that an examination of his correspondence shows that his letters were invariably written upon gilt edge paper.

When the Convention was called to meet at Philadelphia in May, 1787, which formed our present Federal Constitution, he was elected one of the delegates. The others were the then Governor Richard Caswell, Ex-Gov. Alexander Martin, Richard Dobbs Spaight, who, like Davie himself, was subsequently Governor, William Blount, afterwards U. S. Senator and Hugh Williamson, afterwards a member of Congress and a historian. Gov. Caswell did not attend. Col. Davie was the junior member of the delegation, being then, notwithstanding his distinguished career as a soldier and his high standing at

the bar, not yet 31 years of age. Still his eloquence and influence made a decided impression upon the Convention. The Constitution all through is the result of a compromise. But the critical question was the equal representation of each State in the Senate. Upon this it seemed likely the Convention would be dissolved. The large States were firm for proportional representation. With the smaller States an equal voice in the Senate was a *sine qua non*. On that question North Carolina voted with the other large States against the demands of the smaller States and this made the vote a tie, as Georgia on purpose evenly divided her vote. The friends of the Constitution, fearing a disruption, referred the question to a Committee composed of one from each State. Davie was the member of the Committee from North Carolina. When the Committee made its report, Davie, acting for North Carolina, gave her vote with the smaller States and thus by one majority was equal representation in the Senate secured. Without it the Convention would doubtless have adjourned after a useless session. The Constitution without that wise concession could not have been adopted, and if adopted by the Convention its ratification by the smaller States could not have been expected. This act was certainly against the wishes of his own State, then the 3rd, in point of population, in the Confederacy, ranking next after Virginia and Massachusetts and ahead of New York. It was also apparently against the interests of his State, but the act was that of a Statesman and should be recalled to his lasting honor. It was a critical moment, when a narrow minded man in his place, timid of responsibility and fearful of his own popularity at home would have prevented or postponed for many years the American Union. He remained in Philadelphia till the deliberations of the Convention were virtually over and the adoption of the Constitution had become certain.

Then, in obedience to his duty to his clients, as the fall circuit was about to begin, he left for home. Hence it is that his name does not appear among those appended to that instrument. The Constitution being the work of many hands and containing so many alterations and amendments would naturally have been rough and ill-joined, containing a variety of styles. It is worthy of note that the convention considerably referred it to a committee of one—Gouverneur Morris—an accomplished scholar, to make changes “of form not of substance.” Under his hand it was polished and put in shape, and hence the uniform flow and regularity of its language.

But the work was not yet done. The Constitution was yet to be ratified by the Conventions of the several States. When the North Carolina Convention met at Hillsboro July 21, 1788, a formidable opposition was arrayed against its adoption, headed by Willie Jones, David Caldwell, Judge Spencer and others. The friends of adoption were led by James Iredell, a remarkably able man, and Col. Davie aided by Spaight, McLaine, Steele and others. The adoption of the Constitution was at that time defeated. After the adoption subsequently of the Federal Constitution by North Carolina, President Washington tendered the appointment of United States District Judge to Davie, who declined it. Col. Stokes was appointed but soon dying, John Sitgreaves was appointed, probably through Davie's influence. He had married his wife's sister.

By his wife he had acquired a valuable plantation near Halifax, which he took pleasure in cultivating and he evinced a deep interest in introducing there a better system of farming. His enterprise and public spirit procured the organization of a company for the proposed drainage of Lake Scuppernong.

A friend of education, in 1786 he obtained from the

General Assembly the charter of Warrenton Academy and had himself, with Willie Jones, Thomas Person, Benjamin Hawkins and other prominent men named as the Board of Trustees. He was chosen repeatedly, except when his private business constrained him to decline an election, to represent the borough of Halifax in the House of Commons. He served thus in the years 1786, 1787, 1789, 1791, 1793, 1794, 1796 and 1798. He was the real founder of the University of North Carolina and is so styled in the Journal of 1810 of that institution and well deserved to be so called. Judge Murphy bears this testimony: "I was present in the House of Commons when Davie addressed that body (in 1789) for a loan of money to erect the buildings of the University and although more than 30 years have elapsed I have the most vivid recollections of the greatness of his manner and the power of his eloquence upon that occasion. In the House of Commons he had no rival and on all questions before that body his eloquence was irresistible." He procured the Act of Incorporation to be passed in 1789, and other aid, and was always a fostering friend.

The opposition to all the measures in favor of the University was great. The cry of "economy" and the fear expressed that the institution was one step towards the founding of an aristocracy made it difficult to carry any measure through. Gifted with less tact, with less eloquence or with less popularity Davie must have failed. The institution is no less a monument also to his public spirit, boldness and foresight. He was a member of the first Board of Trustees. The selection of a site for the University, the superintendence of the erection of the buildings, the choice of professors, the arrangement of a course of studies, the adoption of regulations, the maintenance of discipline engaged his personal and active attention. Truly he might have exclaimed "*Exegi monu*

mentum aere perennius." The course of studies adopted at Davie's instance in 1795 was the "optional" system which now generally obtains. In this he anticipated the course of other colleges full fifty years. When Dr. David Caldwell was elected President this was set aside and the old iron bound curriculum was adopted and remained in force 80 years.

On December 9, 1787, in the town of Tarboro, the Free Masons of this State organized the Grand Lodge of North Carolina. At that meeting many of the most distinguished men of the State attended, Col. Davie among them. Gov. Johnston was elected the first Grand Master of North Carolina, and Gov. Caswell the second Grand Master. Davie was elected Grand Master in December 1792 and was successively re-elected for seven years. In that capacity he laid the corner stone of the University, October 12, 1793, (the old East building), and on April 14, 1798 he laid the corner stone of the old South Building at the same place.

The project of a digest of the laws was brought forward by him, and the appointment of Judge Iredell, the accomplished jurist, to do the work was made at his suggestion. The cession of the territory which now forms the State of Tennessee was effected mainly by his influence. In 1791 he was appointed by the Legislature one of three Commissioners to establish the unsettled part of the boundary between this State and South Carolina. He was again elected for the same purpose in 1796 and again in 1803. None of these commissions however were successful.

In 1794 he was commissioned by Gov. Spaight to be Major General of the 3rd State Division in view of the likelihood of war with France. By act of Congress the 24th of June, 1797, Congress directed an embodiment of troops from the several States. The number to be raised

by this State under the act was 7,268 and in September of that year he was appointed by Gov. Ashe Major General to command this detachment. As matters became more serious Congress in May, 1798, authorized a Provisional Army of the U. S. of 10,000 men, and in this he was appointed a Brigadier General by President Adams, July 17, 1798, and was confirmed by the Senate July 19th. Of this army Washington was made Commander in Chief and he, in effect, committed to Gen. Davie the selection of the officers for that part of the troops which should be raised in this State. In the same year Gen. Davie prepared a system of cavalry tactics which was adopted by the Legislature and ordered to be printed. A copy of this is now in our State Library.

Gen. Davie came out of the war with the first military reputation in the State, and these successive appointments so many years after prove that North Carolina still turned to him as her greatest soldier.

Just at this time, singularly enough, when in the receipt of high honors, State and National, his election for the borough of Halifax was first endangered. The circumstance is thus stated in a private letter from that town, written in August, 1798: "The 'true whigs,' as they styled themselves, dined together under the oaks and toasted Mr. Jefferson. The other party, who were called 'aristocrats,' ate and drank in the house on entirely different principles. Gen. Davie dined in the house with the 'aristocrats.' The 'true whigs' took offense at this and resolved to oppose his election, and it was only with much address that they were kept quiet." The writer adds: "If any person had had the impudence to dispute the election Gen. Davie would certainly not have been returned. The rabble which in all places is the majority, would have voted against him."

He took his seat when the Legislature met. By that

body—the then constitutional mode—he was, on joint ballot, elected Governor of the State December 4th, 1798, over Benjamin Williams, (afterwards Governor), and was inaugurated December 7th. Nothing of special note took place during his tenure of the office. President Adams appointed an embassy to treat with the French Directory, consisting of Mr. Murray, then our minister to Holland, Chief Justice Ellsworth and Patrick Henry. The latter having declined on the ground of age and ill health, on June 1, 1799, Gov. Davie was appointed in his stead. On September 10 he resigned the office of Governor, and on the 22nd left Halifax to join Mr. Ellsworth at Trenton. At his departure the people of Halifax and vicinity presented him with a complimentary address, which was written by a political adversary and signed by large numbers of the same party.

On November 3, 1799, Messrs. Ellsworth and Davie embarked in the Frigate *United States*, from Newport, R. I. Uncertain as to the changeable form of Government in France they touched at Lisbon, which they reached the 27th of November. They left the 21st of December, but being driven out of their course by a storm they put into Corunna the 11th of January, 1800, which they left by land on the 27th of January, and on February 9, at Burgos, in Spain, they met a courier from Talleyrand, the French Minister, inviting them, on the part of Bonaparte, who had become First Consul, to proceed to Paris, which place they reached on the 2nd of March. These dates will show the vast difference which less than a century has made in the modes of travelling and the transmission of intelligence. On April 8, the Commissioners were received with marked politeness by the First Consul. Napoleon having left for Italy on the famous campaign of Marengo, the negotiations dragged till his return. On September 30, 1800, the treaty between the

United States and France was signed by our Commissioners and by Joseph Bonaparte, Roederer and Fleurieu on the part of France. The conclusion of the treaty was celebrated with *eclat* at Morfontaine, the country seat of Joseph Bonaparte, the First Consul and a brilliant staff attending. One who was then in Paris writes: "A man of his (Davie's) imposing appearance and dignified deportment could not fail to attract especial attention and remark wherever he went. I could not but remark that Bonaparte, in addressing the American legation at his levees seemed for the time to forget that Governor Davie was *second* in the Commission, his attention being more particularly directed to him." In the brilliant circles of the nascent Empire of Napoleon he was distinguished by his elegance and his popular manners. His sojourn in Paris was very agreeable to him. He was an accomplished linguist and spoke French and Spanish fluently.

In the fall of that year Gov. Davie returned directly home. Chief Justice Ellsworth calling by London was presented at Court and Mr. Murray returned to the Hague. It is significant that the very day after this treaty was signed, France, by the treaty of St. Ildefonso, re-acquired Louisiana from Spain, which it so soon after sold to the United States.

On his return home Davie was solicited to become a candidate for Congress in 1801, but his private affairs by reason of his long absence required his attention and he declined. Willis Alston then a member of the same political party was elected. In June of that year President Jefferson appointed Gov. Davie head of a commission with Gen. Wilkinson and Benjamin Hawkins to negotiate with the Creeks and other Indians for further cession of lands. This he declined for the same reason he had refused an election to Congress. In 1802 he was appointed by President Jefferson a Commissioner on the part of the

United States in the treaty to be made between North Carolina and the Tuscaroras, most of whom had moved from this State, but had retained a valuable landed interest in Bertie County. He met the agents of the State and the Chiefs of the Indians at Raleigh, and the treaty was signed December 4th, 1802, by virtue of which King Blount* and the remainder of the tribe removed to New York in June, 1803. In the Spring of 1803, Alston having gone over to the opposite political party, Gen. Davie was again solicited by his friends to become a candidate for Congress. He accepted the nomination but declined to make any canvass. He was charged with being an aristocrat and with being opposed to Mr. Jefferson, whose prestige was then all powerful. He was defeated at the polls.

He had lost his wife not long after his return from France. This, together with his political defeat, determined him to withdraw altogether from public life. In November, 1805, he removed to an estate he possessed at Tivoli, near Landsford, in S. C., just across the line from Mecklenburg County, in this State. Here he lived in dignified ease and leisure.

Many men, after the buffetings of a stormy or a busy life, have in like manner felt the need of rest before they go hence. It was thus that the Emperor, Charles the Fifth, at Juste and Wolsey, who had "sounded all the depths and shoals of honor," at Leicester Abbey, had sought to put a space of contemplation between the active duties of life and the grave. His country, however, did not forget Gen. Davie. During the second war with Great Britain President Madison appointed him a Major General in the U. S. Army and he was confirmed by the Senate the 2nd of March, 1813. But "time steals fire from the mind as vigor from the limbs." Though not an old man, Gen. Davie's early campaigns had told upon

*NOTE.—A descendant of King Blount is at present King of the Sandwich Islands.

him. The sword which twenty-five years before had almost leapt of itself from the scabbard was now constrained to hang idly by his side and he declined the appointment. Gen. Harrison (afterwards President) was appointed in his stead and fought the battle of the Thames, October 5, 1813, in which Tecumseh was slain. The next year he in turn resigned and Gen. Andrew Jackson was appointed to succeed him and the battle of New Orleans followed on January 8, 1815.

Gen. Davie's seat at Tivoli on the Catawba was the resort of many of the Revolutionary characters of the State. In their journeys by private conveyance to Virginia or the North, the custom was to arrange to spend a day or two there with him where he kept open house for his friends and sitting under an immense oak from which there was a view of miles of the Catawba, they fought over the war together or discussed the workings of the new government and the constitution they had established. This was all the more interesting as much of his campaigning had taken place on and around this very spot. In this connection it is interesting to state that after his retirement to Tivoli he was much sought after and engaged in drawing wills. He drew some of the most famous wills in that State—indeed it is said all the wills in that part of it in which he resided—not one of which except his own was ever assailed. In this respect he had the fortune of Sugden Lord St. Leonards, Gov. Tilden and many other famous lawyers. The contest over Gov. Davie's will has just been settled by a decision of the Supreme Court of the United States filed the 28th of March of this year (1892) in the case of *Bedon vs. Davie*, 144 U. S. 142, a very interesting case.

His correspondence and other materials for history must have been very large and very valuable. It was from his papers that the copy of the Mecklenburg Decla-

ration of May 20th, 1775, was procured which is known as the "Davie Copy." Unfortunately all his family papers and all the historical material which had been carefully preserved by him for publication at some future time, were destroyed during Sherman's raid. The banks of the Catawba were said to have been strewn with them and nothing of the collection now remains.

In retirement he displayed his accustomed public spirit by introducing improved methods of farming and mainly at his instance a State Agricultural Society in South Carolina was formed, of which he was the first President. By his practice at the bar he had accumulated a large estate which he dispensed with liberality and hospitality. When the end came he met it with the firmness of a soldier. His sun of life went down in a cloudless sky. He passed away the 18th of November, 1820 in the 65th year of his age.

"The hero lies still, while the dew drooping willows
 Like fond weeping mourners lean over his grave.
 The lightnings may flash and the loud cannon rattle,
 He heeds not, he hears not, he's free from all pain;
 He sleeps his last sleep he has fought his last battle
 No sound can ^aΛ wake him to glory again."

He was buried at Waxhaw Church, Lancaster County, S. C., just across the Catawba river from his Tivoli plantation. The following modest and truthful inscription on his tomb is said to be from the pen of his friend, Gov. Gaston, of South Carolina:

In this grave are deposited the remains of

WILLIAM R. DAVIE.

The Soldier, Jurist, Statesman and Patriot.

In the Glorious War for
AMERICAN INDEPENDENCE

He fought among the foremost of the Brave.

As an advocate at the Bar,

He was diligent, sagacious, zealous,
Incorruptibly Honest, of Commanding Eloquence.

In the Legislative Hall

He had no superior in enlarged vision

And profound plans of Policy.

Single in his ends, varied in his means, indefatigable

In his exertions.

Representing his Nation in an important Embassy,

He evinced his characteristic devotion to her interests

And manifested a peculiar fitness for Diplomacy.

Polished in manners, firm in action,

Candid without imprudence, wise above deceit.

A true lover of his Country,

Always preferring the People's good to the People's favor.

Though he disdained to fawn for office,

He filled most of the stations to which Ambition might aspire,

And declining no Public Trust,

Enobled whatever he accepted

By true Dignity and Talent

Which he brought into the discharge of its functions.

A Great Man in an age of Great Men.

In life he was admired and beloved by the virtuous and the wise.

In death he has silenced calumny and caused envy to mourn.

He was born in Edinburg* 1756,

And died in South Carolina in 1820.

*A mistake.

And so the record ends and his life work was done.

"The good knight is dust,
His good sword is rust,
His soul is with the saints, we trust."

Justly does his epitaph style him, "A great man in an age great men," for as a soldier he was the trusted companion of Greene, as a lawyer the peer of Haywood, Iredell and Moore, as a statesman a leader among the framers of the Federal Constitution, as a diplomat Talleyrand obtained no advantage over him and by personal intercourse he won the friendship of Washington, the confidence of Jefferson, the esteem of Napoleon and the warm admiration of Andrew Jackson. A life whose circumference touched these points could fill no small space in the public eye.

North Carolina does herself honor in remembering her patriotic and illustrious son. One of the fairest Counties of the State, seated in the fertile valley of the Yadkin preserves his name to future times. But no storied shaft or sculptured bust presents the record of his fame or the lineaments of his countenance.

The cause for which the men of 1776 sacrificed themselves was a grand one. The world has not known a nobler. It was one of those epochs which mark a distinct advance in the progress of the human race. Its effects were far reaching. Then was established that right of self government which has placed 44 stars on our flag and beneath its folds 75 millions of freemen and a territory extending over near 110 degrees of longitude and almost 50 degrees of latitude. Great Britain has profited by the lesson then taught and has established and retained an enormous colonial possession extending into every quarter of the globe by promptly granting as soon as asked, and oft times before it has been demanded, the very rights for which these colonies asked in vain and by

the denial of which she lost this country. All of America, North and South, has followed our example. France immediately felt the impulse. Though her first revolution was marked with excesses and though betrayed and thwarted in her wishes in 1815, in 1830 and again in 1851, with sublime perseverance at every opportunity she has returned to her first love, and since 1870 has enjoyed self government. But there is not time to enumerate the results produced everywhere by the success of the sons of liberty in 1776. It is sufficient to say that there is no country where it has not been felt and no people who have not experienced its benefits. It is glory enough for us when we recall the great aid North Carolina gave to that struggle and the important part that the battlefield now before us played in that grand contest.

But we must remember that important as was that struggle and far reaching as its effects, the result was not a finality. It was one of those upheavals which mark a distinct phase of human progress. But other struggles and other upheavals are as surely before us. In the life of a people as in the life of the individual man there must be either progress or decline. There is no political Gibeon upon which the sun of progress can pause for an hour. It must be remembered that principles which are now so undeniable as to be commonplace were bitterly contested and by many despised prior to the successful issue of our Revolutionary struggle. It must be reflected, too, that there are principles now denied or derided, which after the next great advance of the race will become axiomatic in like manner. The man who lives only to gratify his vanity and selfishness by amassing riches for himself will go down, as he deserves, to the "vile dust from whence he sprung unwept, unhonored and unsung." But the soldiers of human progress, whether Washingtons, Jeffersons or the nameless heroes who fall by the

wayside or fill unmarked graves on the battlefield have nobly fulfilled their duty and deserve an immortality of fame and never ending gratitude. Nay more—they deserve to have their example not merely recounted on battlefields already won, but followed on the new heights yet to be won and upon which the successive battles of progress must be fought. The contest may be a long one and the road winds up hill all the way—aye, to the very end. Washington, Franklin, Jefferson, Davie and their compeers should remain in perpetual acclaim for their fidelity and their courage in maintaining the cause in their day and at the stage at which the contest had then reached. They who wish to imitate their glory will be the true heirs of their deeds and in their own times and according to their opportunity will faithfully and unflinchingly uphold, with the courage of the battlefield or of the forum as the occasion may serve those principles which shall best serve the glory of the State and the greatest good of the greatest number of that people among whom Providence has seen fit to cast their lot. Humanity has triumphs yet to win; great progress yet to make. Old foes abound but with new faces. To those who have “stomach for the fight” there are surely laurels yet to gain, and fields still to conquer. The Revolution of 1688 in England was better and therefore more lasting than that of Cromwell’s time, as that in turn had itself been more comprehensive than any previous movement. Our own Revolution in 1776 far outstripped in its importance to the human race the revolution of 1688. The military successes of the war were consolidated by the consummate statesmanship and patriotism of the Constitution of 1787. But even that instrument, grand as it was, was not perfect. It was amended by the generation that made it. Other amendments have since followed and others still will assuredly be made.

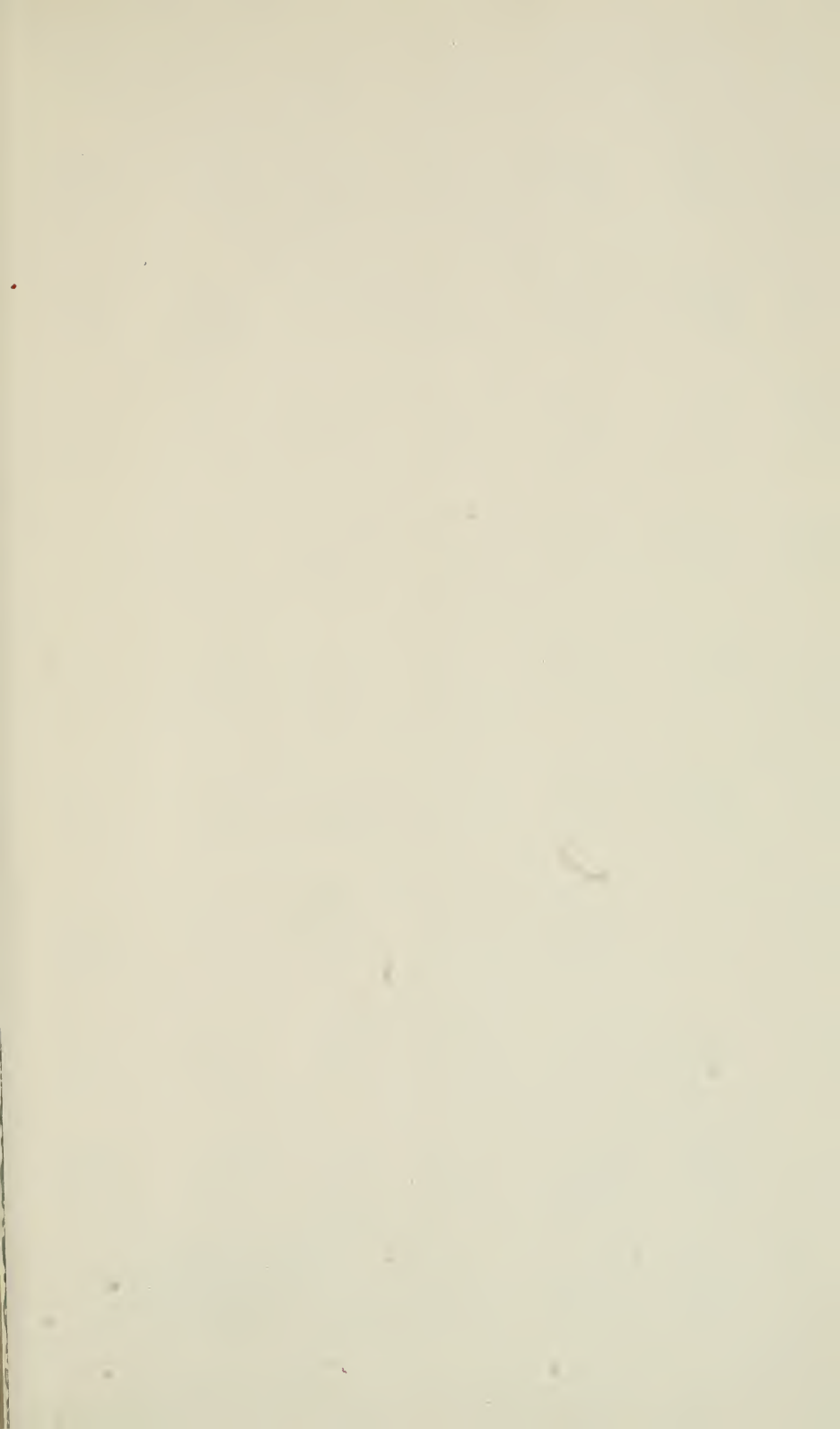
I cannot leave this platform and this occasion without saying some words to the future rulers of my country. Young men,—you who are to shape the near-at-hand Twentieth Century, the heights are before you. Who of you will comprehend the duties of the hour; who of you have the eagle eye to discover and the iron tenacity to follow the paths by which the mountains which bar future progress may be won? Who of you like the men of 1776 scorning contumely, giving your hours, your fortunes and if need be your young lives to the work, will bring humanity out upon a higher plane of progress. It is given to no mortal man but yourself to syllable the noble names among you which are not born to die—for each one of you must make your own election of the pathway that leads to the stars. God alone in his wisdom can give you success.

My task is done. Honor to Davie and the men who with him on this field periled life that we might be freer and better and happier; and honor and fame to those of this day, who, understanding the nobility of the self-sacrifice of these men, and catching their spirit, shall, as God give them time and opportunity, so act that posterity, looking back, shall say of them that they likewise came up to the full stature of these heroes of 1776.

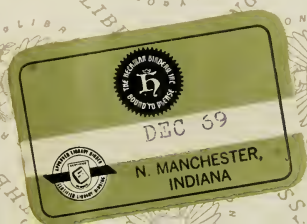
NOTE.—The following memorandum of General Davie's descendants is furnished by one of them. It is typical of the times and the hatred of the British that so accomplished a man as General Davie should have named one of his sons after the Indian tyrant, Ali, simply because he was an enemy of Great Britain :

GENERAL DAVIE'S FAMILY.

1. Allen Jones, Major in the war 1812. His descendants:
 1. Dr. William R. Davie, Surgeon Florida war, 1838.
His descendants—Colonel William R. Davie, Capt. 60th Ala. Reg't C. S. A.; John M. Davie and Mary F. Woolf, Texas; Allen J. Davie, dec'd.
 2. Allen J. Davie, Oregon, died leaving several issue.
 3. Sarah, m'd, first, H. B. DeSaussure; second, Burton, Kentucky.
 4. Rosa B. McKenzie, widow of John McKenzie, Louisville, Ky.
 5. Octavia, widow of —Hudson, Louisville, Ky.
 6. Mary Fraser, wife of Edward McCrady, Charleston, S. C.
 7. Thos. W. Davie, dec'd, leaving one son.
2. Hyder Ali, died leaving only one child—a daughter—Julia, married R. S. Bedon, from whom numerous descendants.
3. Mary Hayne, married Crockett, issue, Texas.
4. Sarah Jones, married Hon. Wm. F. DeSaussure, had issue, Col. Wm. D. DeSaussure, Col. 15 S. C. Reg't, killed Gettysburg, without issue. Mrs. DeSaussure left numerous descendants through her daughters, Mrs. Boykin and Mrs. Burroughs, of S. C.
5. Martha Rebecca, married Dr. C. B. Jones, left issue, C. B. Jones, of Lancaster, S. C., and Mr. Fraser of Charleston. Numerous descendants.
6. Frederick William Davie, died without issue.







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